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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff,  v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.
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Adv. Pro. No. 08-01789 (BRL)  
SIPA Liquidation  
(Substantively Consolidated)

In re:  BERNARD L. MADOFF,  Debtor.
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**JOINDER IN THE DESIGNATION OF ITEMS FOR INCLUSION IN THE  
RECORD AND STATEMENT OF THE ISSUE TO BE PRESENTED ON APPEAL**

Pursuant to Federal Rule of Bankruptcy Procedure 8006 and in connection with the  
Notice of Appeal filed by Jeffrey A. Berman, Russell deLucia, Norman I. Lesser Rev. 11/97  
Rev. Trust, and Paula E. Lesser 11/97 Rev. Trust (“Appellants”), Appellants hereby designate

the items to be included in the record and state the issues to be presented on appeal to the United States Court of Appeals for the Second Circuit from the Order entered by the Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) in the above-referenced proceeding on March 8, 2010.

**Designation of Items to Be Included in the Record on Appeal**

Appellants hereby join the Joint Designation Of Items To Be Included In The Record And Statement Of The Issue To Be Presented On Appeal (filed Apr. 1, 2010) (“Joint Designation”). Due to the volume of items designated in the Joint Designation and in order to conserve this Court’s time and resources, Appellants are not separately filing an additional copy of each and every item designated in the Joint Designation. In addition to the items designated in the Joint Designation, Appellants hereby designate the following item, listed below and annexed hereto as Exhibit A, for inclusion in the record on appeal:

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
04/01/2010	2131	Notice of Appeal filed by Daniel M. Glosband on behalf of Jeffrey A. Berman, Russell DeLucia, Norman E. Lesser Rev. 11/97 Rev. Trust, Paula E. Lesser 11/97 Rev. Trust. Filing fee collected, receipt #182832. (Rouzeau, Anatin) (Entered: 04/05/2010)

**Statement of the Issue to Be Presented on Appeal**

Furthermore, as set forth in Joint Designation, Appellants hereby join in the Statement of the Issue to Be Presented on Appeal, which states:

Whether the Bankruptcy Court erred when it ruled that a customer’s “net equity” under Section 16(11) of the Securities Investor Protection Act (“SIPA”) may be determined by calculating the amount of cash deposited by the customer minus the amount withdrawn, rather than by calculating the dollar value of the securities positions in real securities shown on the customer’s last account statement prior to the filing date, where SIPA defines “net equity” as:

the dollar amount of the account or accounts of a customer, to be determined by –

(A) calculating the sum which would have been owed by the debtor to such customer if the debtor had liquidated, by sale or purchase on the filing date, all securities positions of such customer . . . ;  
minus

(B) any indebtedness of such customer to the debtor on the filing date . . . . (15 U.S.C. § 7811(11).)

Dated: New York, New York  
April 15, 2010

**GOODWIN PROCTER LLP**

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